

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DR. SHIVA AYYADURAI,

Plaintiff,

v.

WILLIAM FRANCIS GALVIN, in his official  
capacity as the Secretary of the Commonwealth  
of Massachusetts, and CHARLES D. BAKER, in  
his official capacity as Governor of Massachusetts

Defendants.

CIVIL ACTION  
NO. 1:20-cv-12080-MLW

**DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT**

Defendants, William Francis Galvin, in his official capacity as Secretary of the Commonwealth of Massachusetts, and Charles D. Baker, in his official capacity as Governor of the Commonwealth of Massachusetts, hereby move to dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). Specifically, the Court should dismiss this suit because: (1) Plaintiff lacks standing to assert a claim for vote dilution under the Fourteenth Amendment; (2) Plaintiff's request is moot because the election results have now been certified by the Governor and Council; (3) Plaintiff's claim is barred by the Eleventh Amendment; and (4) Plaintiff's conclusory, fact-free claim of election fraud, which is subject to Rule 9(b)'s heightened pleading requirements, fails to state a viable Equal Protection claim. For the reasons set forth in the accompanying memorandum of law, Defendants ask this Court to dismiss the Amended Complaint with prejudice.

Respectfully submitted,

Defendants,

WILLIAM FRANCIS GALVIN, in his official  
capacity, and CHARLES D. BAKER, in his official  
capacity

By his attorneys,

MAURA HEALEY  
ATTORNEY GENERAL

/s/ Adam Hornstine

Anne Sterman (BBO# 650426)

Adam Hornstine (BBO# 666296)

Assistant Attorneys General

Office of the Attorney General

One Ashburton Place

Boston, MA 02108

617-963-2048

Anne.Sterman@mass.gov

Adam.Hornstine@mass.gov

Date: January 8, 2021

**CERTIFICATE OF SERVICE**

I, Adam Hornstine, Assistant Attorney General, hereby certify that I have this day, January 8, 2021, served the foregoing **Memorandum**, upon all parties, by electronically filing to all ECF registered parties, and paper copies will be sent to those indicated as non-registered ECF participants.

/s/ Adam Hornstine  
Adam Hornstine

**LOCAL RULE 7.1 CERTIFICATION**

I, Adam Hornstine, Assistant Attorney General, hereby certify that I met and conferred with Plaintiff on January 7, 2021 in an attempt to resolve or narrow the issues presented by this motion but was unable to do so.

/s/ Adam Hornstine  
Adam Hornstine